

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: MIDLAND CREDIT  
MANAGEMENT, INC. TELEPHONE  
CONSUMER PROTECTION ACT  
LITIGATION

MDL No. 2286-MMA (MDD)

**ORDER RE: SUBMISSION OF  
APPLICATIONS FOR  
APPOINTMENT OF NEW LEAD  
AND LIAISON COUNSEL**

A Status Hearing was held in this multi-district litigation on Friday, March 10, 2017. After reviewing the status of various member cases, the Court and the parties conferred regarding the appointment of new Lead and Liaison Counsel, in light of the class action settlement and resulting resolution of current Lead and Liaison Counsel's clients' claims. For the reasons discussed, the Court finds it appropriate to appoint new Lead and Liaison Counsel in this litigation. To that end, the Court now solicits applications from current counsel of record for plaintiffs in the member cases.

Accordingly, **IT IS HEREBY ORDERED:**

1. Counsel who desire to be appointed as Lead or Liaison Counsel, to assist with the tasks to be completed going forward, including but not limited to common issue discovery, must submit notices and briefs in support of their separate or joint applications to be appointed Lead and/or Liaison Counsel or, in the

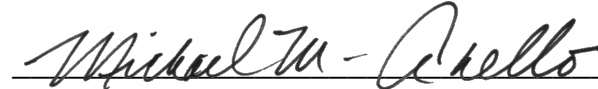
alternative, to be appointed to, or to establish, an executive committee to serve in the role as Lead or Liaison Counsel.

2. Notices and briefs in support of such applications must include proposals for compensating such new Lead and Liaison Counsel and/or executive committees for services rendered on behalf of and for the benefit of the remaining member cases, whether that be a proposed percentage of all later settlements or judgments to be received as fees, or a more general proposal to establish a procedure for achieving a fair rate of compensation. *See In re Diet Drugs Prod. Liab. Litig.*, No. 1203, 1999 WL 124414, at \*2 (E.D.Pa. Feb. 10, 1999); *In re Linerboard Antitrust Litig.*, 292 F.Supp.2d 644, 668-69 (E.D.Pa. 2003); *In re MGM Grand Hotel Fire Litig.*, 660 F.Supp. 522, 525 (D.Nev. 1987). The Court reserves the right to treat such proposals as interim proposals, to modify any common benefit fees and costs that are set aside, and to award them in the interests of justice. *In re Diet Drugs Prod. Liab. Litig.*, No. 1203, 2010 WL 3292787, at \*2-5 (E.D.Pa. Aug. 19, 2010).
3. Notices and briefs in support of such applications must be submitted no later than **June 5, 2017**.
4. Any briefs in opposition to any or all such applications must be filed no later than **June 19, 2017**.
5. Any reply briefs in support of such applications must be filed no later than **June 26, 2017**.
6. Upon review of such applications, oppositions, and reply briefs, the Court will schedule a hearing on the appointment of new Lead and Liaison Counsel if necessary.
7. Interested counsel may direct their questions or comments regarding this procedure through current Liaison Counsel, David P. Schafer, Law Offices of David P. Schafer PLLC, 2139 NW Military Highway, Suite 200, San Antonio, TX 78213, (210) 348-0500, [David@helpingtexas.com](mailto:David@helpingtexas.com).

1        Within three (3) court days of entry of this Order, Liaison Counsel must serve a  
2 copy of this Order on any plaintiffs who, as reflected on the master docket, are not  
3 currently receiving the Notices of Electronic Filing generated by the CM/ECF system.

4        **IT IS SO ORDERED.**

5        DATE: March 22, 2017

A handwritten signature in black ink, appearing to read "Michael M. Anello", is written over a horizontal line.

HON. MICHAEL M. ANELLO

United States District Judge